BORA LASKIN LAW LIBRARY
3 1761 09233711 2

Store
JX
68
M6
1974

Morris, Gerald L
Materials on international law and foreign policy

Store
JX
68
M6
1974

Store
JX
68
M6
1974

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

MATERIALS ON INTERNATIONAL LAW AND FOREIGN POLICY

(Provisional Edition, 1974-75)

Selected by G.L. Morris

Faculty of Law,
University of Toronto.

LAW LIBRARY
AUG 20 1975
FACULTY OF LAW
UNIVERSITY OF TORONTO

LAW LIBRARY
AUG 20 1975
FACULTY OF LAW
UNIVERSITY OF TORONTO

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/materialsoninter00morr

INTERNATIONAL LAW AND FOREIGN POLICY

Table of Contents

PART 1: LAW, LAWYERS AND FOREIGN POLICY

Introductory Note 1

Falk, "Law, Lawyers and the Conduct of American Foreign Relations" 3

"Foreign Policy for Canadians" (Vol. 1) 13

"Foreign Policy for Canadians" (Vol. 6) 31

Gotlieb and Dalfen, "National Jurisdiction and International Responsibility: New Canadian Approaches to International Law" 42

Editor's note 61

Beesley, "War, Peace and Law in To-day's Divided World" 62

Editor's note 69

Sharp, "Canadian Foreign Policy and International Law" 70

Editor's note 74

Macdonald, Morris and Johnston, "Canadian Approaches to International Law" 75

McRae, Critique of "Canadian Approaches to International Law" 80

PART 2: FOREIGN POLICY AND THE LAW OF THE SEA

Introductory note 84

Section A: Special Problems of Canada's Arctic Jurisdiction

Arctic Waters Pollution Prevention Act 84

Bill C-203: Territorial Sea and Fishing Zones Act 93

Canadian Declaration Concerning the Compulsory Jurisdicton of the ICJ 95

Prime Minister's Remarks Following Introduction of Arctic Waters Legislation 96

U.S. Protest Against Arctic Waters Legislation 100

Canadian Reply to the U.S. Protest 101

Macdonald, Morris and Johnston, "The Canadian Initiative to Establish a Maritime Zone for Environmental Protection" 108

Henkin, "Arctic Anti-Pollution: Does Canada Make - or Break - International Law?" 111

Green, "Canada and Arctic Sovereignty" 114

Excerpt from Harris casebook: "The Arctic" 136

Statements by Trudeau and Sharp on Arctic Sovereignty 137

Regina v. Tootalik 141

Auburn, "Sea-ice Jurisdiction" (Regina v. Tootalik) 145

Auburn, "International Law and Sea-ice Jurisdiction in the Arctic" (U.S. v. Escamilla) 149

Additional Reading 152

Section B: Canada's Pursuit of Offshore Jurisdiction at the Caracas Conference

(1) Non-Canadian Views

Dupuy, "The Law of the Sea Conference: A Bid to Resolve Contradictions" 154

Amerasinghe, "The Third United Nations Conference on the Law of the Sea" 163

ABA Information Report, "Understanding the Debate on the Law of Ocean Space" 166

Stevenson and Oxman, "The Third U.N. Conference on the Law of the Sea: The 1974 Caracas Conference" 189

Adede, "The System for Exploitation of the 'Common Heritage of Mankind' at the Caracas Conference" 209

(2) Canadian Views

Introduction to "The Future of the Oceans" 222

Sharp, "Canadian Straight Baselines" 224

Excerpt from "Foreign Policy for Canadians" on the Seabed 225

Canadian Working Paper on the Law of the Sea 226

Beesley, "The Law of the Sea Conference: Factors Behind Canada's Stance" 232

Hawkins, "The Pressing Implications of Canada as a Seabed Power" 238

Press clippings: the Caracas Conference 240

Lapointe, "Caracas 1974: Law of the Sea Advanced but Much Remains to be Done" 251

Buzan, "Time-lag Could Jeopardize Progress Toward Law of the Sea" 256

Press Clipping on Canadian Policy 258

Jamieson, "The Law of the Sea Conference" 259

Press Clippings on Canadian Policy 270

MacEachen, "Law of the Sea" 272

Additional Reading 276

PART 3: ISSUES ARISING IN SOUTHERN AFRICA

Introductory note 278

Section(1): Rhodesia (Zimbabuwe) 278

"The United Nations and Southern Rhodesia" 278

"Background on Rhodesia" 279

"The United Nations and Southern Rhodesia" (cont'd) 284

"Recognition of States and Governments: Southern Rhodesia" 291

Legum, "A Long-term Agenda for Dealing with the Problem of Rhodesia" 298

McDougal and Reisman, "Rhodesia and the United Nations: The Lawfulness of International Concern" 303

Stephen, "Natural Justice at the United Nations: The Rhodesia Case" 316

Press Clippings 324

Section(2): South West Africa (Namibia) 327

"The Goals in the Dispute over Namibia's Future Status" 327

"A Trust Betrayed: Namibia" 331

Advisory Opinion on Namibia 337

Security Council Resolutions Concerning Namibia 342

Press Clippings 347

"Situation in Namibia" 348

"Namibia: Liberation Appears Imminent - MacBride" 351

Section(3) The Republic of South Africa (Azania) 352

Jeeves, "The Problem of South Africa" 352

Security Council Resolution on Arms Embargo Against South Africa 361

Press Clippings 363

The Fischer Case 364

"U.S. Votes Against Expulsion of South Africa from the U.N." 365

"Non-Participation of South Africa in the Work of the 29th Session" 368

"Special Committee on Apartheid" 368

"Special Committee on Apartheid" 369

"Apartheid in South Africa" 370

"Special Committee Against Apartheid" 372

Section(4): The Portuguese Territories (Angola and Mozambique) 374

"The United Nations and Portuguese Administered Territories" 374

Sharp, "Portuguese Territories" 387

Press Clippings 388

Saul, "Liberation Movements Provide Structure for Emerging States" 393

"Special Committee on Decolonization" 396

Section(5): Southern Africa (general) 397

"Foreign Policy for Canadians" 397

Pratt, "Canadian Attitudes Towards Southern Africa: a Commentary" 399

"Canadian Contribution to the U.N. Programme in Southern Africa" 403

Sharp, "The Major Aims of Canadian External Policy" 404

Press Clippings 405

MacEachen, "Canada and Africa" 406

"Human Rights Questions" 407

"Implementation of Declaration on Decolonization" 407

"Special Committee on Decolonization Told: Progress Made but Momentum Must be Maintained" 410

The United Nations Act 411

International Convention on the Suppression and Punishment of the Crime of Apartheid 412